

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**TIMOTHY E. LANDO, JR.,**

**Plaintiff,**

**v.**

**9:18-cv-01472  
(TJM/TWD)**

**STEVEN A. CLAUDIO, et al.,**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION and ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Thérèse W. Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Judge Dancks addressed Defendants' unopposed letter motion to dismiss this action for Plaintiff's (1) failure to prosecute, (2) failure to follow Court Orders and directives, and (3) failure to update his address. (Dkt. No. 114.) Judge Dancks recommends that Defendants' motion be granted and that Plaintiff's second amended complaint (Dkt. No. 99) be dismissed without prejudice. See Report-Recommendation and Order, Dkt. No. 117. No objections to the recommendations have been filed, and the time to do so has expired.

**II. DISCUSSION**

After examining the record, this Court has determined that the

Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

### **III. CONCLUSION**

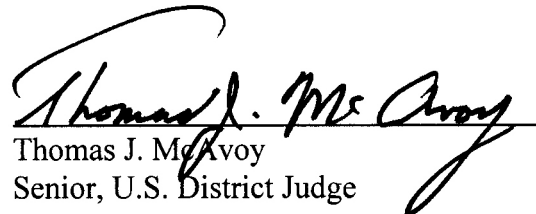
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 117) for the reasons stated therein. Therefore, it is hereby

**ORDERED** that Defendants' letter motion (Dkt. No. 114) requesting dismissal of this action for Plaintiff's failure to prosecute, failure to follow Court Orders and directives, and failure to update his address is **GRANTED**; and it is further

**ORDERED** that Plaintiff's second amended complaint (Dkt. No. 99) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Dated: August 25, 2022

  
Thomas J. McAvoy  
Senior, U.S. District Judge